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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,423	07/05/2001	Marvin Bienn	P1014 (13548RRUS01U)	3347
7590 03/17/2005			EXAMINER	
D. Scott Hemingway Law Offices of D. Scott Hemingway Preston Commons West, Suite 800 8117 Preston Rd. Dallas, TX 75225			MARCELO, MELVIN C	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/899,423

Applicant(s)

BIENN ET AL.

Examiner

Melvin Marcelo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 5-16 is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on April 1, 2002. These drawings are not acceptable because Figures 4 and 5 do not correspond to the original drawings filed July 5, 2001 with respect to the directional arrows associated with ADD2 and its ACK, and DELETE2 and its ACK.
2. The drawings are objected to because of newly submitted Figures 4 and 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 4, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kari et al. (US 6,636,491 B1).

Kara teaches the packet-based communications interface between a wireless communication system and a packet-based communication system (Figure 1). With respect to the claims below, references to the prior art appear in parenthesis.

*1. A method for initializing a packet-based communications interface (Kara, Figure 1) between a wireless communication system (BSS) and a packet-based communication system (GPRS), comprising the steps of:*

*receiving a first configuration message (Figure 2, Activate PDP Context Request from MS to SGSN includes PDP configuration options, column 6, lines 31-34) from the wireless communication system at a first node (SGSN) on the packet-based communication system, the first configuration message containing destination information (Access Point Name APN, column 6, lines 31-38) and generated by the wireless communication system in response to an initiation procedure (PDP activation procedure, column 5, lines 16-22);*

*transmitting a first acknowledgement message (Figure 2, Step 7, Activate PDP Context Accept from SGSN to MS) from the first node (SGSN) on the packet-based communication system after receiving the first configuration message from the wireless communication system (Step 1).*

*2. The method of initializing a packet-based communications interface of claim 1 wherein the first configuration message has a message type indicator (PDP Type, column 6, lines 31-34).*

*4. The method of initializing a packet-based communications interface of claim 1 wherein the first configuration message has one or more Internet Protocol endpoint addresses (Access Point Name APN is a GGSN IP address (column 6, lines 34-38) which is an endpoint to an external or private network (column 2, lines 23-35)).*

*17. A packet-based interface system (Kari, Figure 1) coupled between a packet-based network (GPRS) and a wireless communication network (BSS) comprising:*

*at least one serving support node (SGSN1) on the packet-based network, where said serving support node is capable of transmitting (Figure 2, Step 4) and receiving*

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**(Step 1) a configuration message with one or more destination addresses (Create PDP Context Request and Activate PDP Context Request, respectively, with the APN as the destination address, column 6, lines 31-34 and column 7, lines 3-6);**

*a base station subsystem (BSS) on the wireless communication network, said base station subsystem being capable of transmitting (Figure 2, BSS transmits Activate PDP Context Request to SGSN) and receiving (BSS receives Activate PDP Context Request from MS) a configuration message with one or more destination addresses (Column 6, lines 31-34).*

18. The system of claim 17 wherein the interface system transmits a configuration message upon the initiation of a start procedure (PDP activation procedure, column 5, lines 16-22).

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kari et al.

Kari does not teach the transmission of a configuration message upon the initiation of a restart procedure, upon adding endpoint information, nor upon deleting endpoint information.

Kari teaches the transmission of a configuration message upon the initiation of a start procedure (PDP activation procedure, column 5, lines 16-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit the configuration message upon a restart since a skilled artisan would have been motivated to restart or reinitialize a mobile station that is experiencing problems with its GPRS service, wherein the start procedure is repeated in order to establish a new connection to replace the error-prone connection.

With respect to adding and deleting endpoints (GGSN associated with the APN, column 2, lines 23-35), Kari teaches that the MS may have one or more PDP contexts (column 5, lines 57-67). A skilled artisan would have been motivated to add more PDP contexts by repeating the PDP activation procedure of Kari and to delete the additional PDP contexts by sending configuration messages in order to inform the corresponding SGSN and GGSNs of the PDP contexts that are active; the reason would be to use the procedures already defined by Kari in establishing an active PDP context. Therefore, it would have been obvious to send configuration messages when adding and deleting endpoint information since Kari suggests that the MS may have more than one PDP contexts and Kari teaches that configuration messages are used in establishing a PDP context.

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19. *The system of claim 17 wherein the interface system transmits a configuration message upon the initiation of a restart procedure (Obvious to repeat PDP activation procedure in order to replace an error-prone connection).*

20. *The system of claim 17 wherein the interface system transmits a configuration message upon adding endpoint information (Obvious to repeat PDP activation procedure to add more PDP contexts since Kari teaches that the MS may have one or more PDP contexts).*

21. *The system of claim 17 wherein the interface system transmits a configuration message upon deleting endpoint information (Obvious to use PDP activation procedure to delete the additional PDP contexts in order to inform the SGSN and GGSNs so that these devices can free up resources associated with the deleted PDP contexts).*

***Allowable Subject Matter***

7. Claims 3 and 5-16 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or make obvious the feature of the endflag indicator which indicates that the current message is the last configuration message as disclosed in the specification, and the configuration message from the packet-based communication system to the wireless communication system and the acknowledgement message from the wireless to the packet-based communication system.



3. *The method of initializing a packet-based communications interface of claim 1 wherein the first configuration message has an endflag indicator.*

5. *The method of initializing a packet-based communications interface of claim 1 wherein the first configuration message has a message type indicator, an endflag indicator and at least one Internet Protocol endpoint addresses.*

6. *The method of initializing a packet-based communications interface of claim 1 further comprising the steps of:*

*transmitting a second configuration message from the first node on the packet-based communication system, the second configuration message containing destination information and being transmitted after the first node receives the first configuration message;*

*receiving a second acknowledgement message at the first node after the wireless communication system receives the second configuration message.*

7. *The method of initializing a packet-based communications interface of claim 6 wherein the second configuration message has a message type indicator.*

8. *The method of initializing a packet-based communications interface of claim 6 wherein the second configuration message has an endflag indicator.*

9. *The method of initializing a packet-based communications interface of claim 6 wherein the second configuration message has one or more Internet Protocol endpoint addresses.*

10. *The method of initializing a packet-based communications interface of claim 6 wherein the second configuration message has a message type indicator, an endflag indicator and at least one Internet Protocol endpoint addresses.*

11. *A method for initializing a packet-based communications interface between a wireless communication system and a packet-based communication system, comprising the steps of:*

*receiving a first configuration message from the packet-based communication system, the first configuration message containing destination information;*

*transmitting a first acknowledgement message in response to receiving the first configuration message from the wireless communication system.*

12. *The method of initializing a packet-based communications interface of claim 11 wherein the first configuration message has a message type indicator.*

13. *The method of initializing a packet-based communications interface of claim 11 wherein the first configuration message has an endflag indicator.*

14. *The method of initializing a packet-based communications interface of claim 11 wherein the first configuration message has one or more Internet Protocol endpoint addresses.*

15. *The method of initializing a packet-based communications interface of claim 11 wherein the first configuration message has a message type indicator, an endflag indicator and at least one Internet Protocol endpoint addresses.*

*16. The method of initializing a packet-based communications interface of claim 11 wherein the first acknowledgement message comprises a cause element identifying a problem with the configuration process.*

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is 571-272-3125. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melvin Marcelo  
Primary Examiner  
Art Unit 2662

March 10, 2005